



The State of New Hampshire  
**Department of Environmental Services**



**Michael P. Nolin**  
Commissioner

February 3, 2005

**CERTIFIED MAIL**  
**7000 1670 0000 0585 7899**  
**RETURN RECEIPT REQUESTED**

**NOTICE OF PAST VIOLATION**

Saint Gobain Performance Plastics  
701 Daniel Webster Highway  
Merrimack, New Hampshire 03054

Attn: Robert Prusha, Site Operations Manager

**Re: Saint Gobain Performance Plastics**  
**Merrimack, New Hampshire**  
**EPA ID # NHD 982746778**

Dear Mr. Prusha:

On September 22, 2004, the Department of Environmental Services, Waste Management Division ("DES") conducted an inspection of Saint Gobain Performance Plastics ("Saint Gobain") in Merrimack, NH. The purpose of the inspection was to determine Saint Gobain's compliance status relative to RSA Ch. 147-A and the New Hampshire Hazardous Waste Rules, Env-Wm 100-1100.

As a result of the inspection and review of the information provided to DES, the following deficiencies were documented:

1. Env-Wm 502.01 – Hazardous Waste Determination

At the time of the inspection, no formal hazardous waste determination had been performed on the one (1) 55-gallon container of unknown waste at the outside area.

Env-Wm 502.01 requires that all generators of waste determine if their waste is a hazardous waste. Waste determined to be hazardous must be handled pursuant to the requirements of the Hazardous Waste Rules.

DES requested that Saint Gobain conduct a hazardous waste determination for the one (1) 55-gallon container of unknown waste at the outside area.

*In an October 5, 2004 submittal, documentation was provided that the 55-gallon container, which previously contained a "Non-RCRA dispersion", was empty but had collected rainwater due to a vent bung missing on the top. No further action is required.*

2. Env-Wm 507.01(a)(1) – Storage Requirements

At the time of the inspection, one (1) 15-gallon container of hazardous waste in the Main Storage Area was not in good condition (*i.e.*, the container was dented). See the attached Container Inventory (“Inventory”).

Env-Wm 507.01(a)(1) requires generators to ensure that all hazardous waste is placed in containers that are in good condition.

DES requested that Saint Gobain ensure that containers storing hazardous waste are in good condition.

*In the October 5, 2004 submittal, documentation was provided that the damaged container has been overpacked in an additional container to protect from leakage. No further action is required.*

3. Env-Wm 507.03(a)(1)a. – Container Marking

At the time of the inspection, one (1) container of hazardous waste in the Main Storage Area was not marked with the beginning accumulation date. See the attached Inventory.

Env-Wm 507.03(a)(1)a. requires that all containers used for the storage of hazardous waste be marked with the beginning accumulation date at the time they are first used to store hazardous waste.

DES requested that Saint Gobain properly mark all containers of hazardous waste with the beginning accumulation date at the time they are first used to store hazardous waste.

*At the time of the inspection, Saint Gobain marked the container with the beginning accumulation date. No further action is required.*

4. Env-Wm 507.03(a)(1)d. – Container Marking

At the time of the inspection, seven (7) containers of hazardous waste in the Main Storage Area were not marked with the EPA or state waste number. (See the attached Inventory).

Env-Wm 507.03(a)(1)d. requires that all containers used for the storage of hazardous waste be marked with the EPA or state waste number at the time they are first used to store wastes.

DES requested that Saint Gobain properly mark all containers of hazardous waste with the EPA or state waste number at the time they are first used to store wastes.



*At the time of the inspection, Saint Gobain marked the containers with the EPA or state waste number. No further action is required.*

5. Env-Wm 509.02(a)(5) – Contingency Plan

A review of Saint Gobain's contingency plan revealed the following deficiencies:

- (a) The specific information to provide to local authorities during an emergency; and
- (b) The specific information to include in the 15 day report after an incident.

Env-Wm 509.02(a)(5), which references 40 CFR 265, Subpart D, requires full quantity generators to maintain a complete contingency plan at the site.

DES requested that Saint Gobain update its contingency plan to correct the deficiencies as identified in the enclosed Contingency Plan Module.

*In a November 22, 2004 submittal, which included an updated Contingency Plan, documentation was provided that the deficiencies were corrected. No further action is required.*

6. Env-Wm 512.01(a)(1) – Recordkeeping – Manifest Copies

At the time of the inspection, Saint Gobain did not have on file three (3) original generator copies and five (5) hazardous waste manifests certified by the designated facility, including:

- a. Manifest No. MI9057067, dated January 15, 2004 (generator copy),
- b. Manifest No. MI9057092, dated January 27, 2004 (generator copy),
- c. Manifest No. MAQ737581, dated November 18, 2003 (generator copy),
- d. Manifest No. MAQ930254, dated June 28, 2004 (facility copy),
- e. Manifest No. MI9057357, dated May 11, 2004 (facility copy),
- f. Manifest No. MI9057363, dated May 11, 2004 (facility copy),
- g. Manifest No. NHH0060353, dated September 30, 2003 (facility copy), and
- h. Manifest No. MDC1012901, dated August 6, 2002 (facility copy).

Env-Wm 512.01(a)(1) requires that the generator keep all manifest copies, including the original generator copy and the copy certified by the designated facility, for three (3) years from the date of signature by the generator.

DES requested that Saint Gobain obtain copies of the manifests listed above, and properly retain these copies and copies of future shipments of hazardous waste.

*In the October 5, 2004 submittal, copies of seven of the eight manifests were provided. Enclosed is the Generator State copy of Manifest No. NHH0060353 for your records. No further action is required.*

7. Env-Wm 1102.03(c) and Env-Wm 1112.03(c) - Universal Waste Lamp Management

At the time of the inspection, twenty-three (23) universal waste lamps were not stored in containers at the Outdoor Shed.

Env-Wm 1112.03(a) requires universal waste handlers to store intact and broken universal waste lamps in container(s) that meet the requirements of Env-Wm 1102.03(c). Env-Wm 1102.03(c) furthermore stipulates the containers must be closed, compatible with the universal waste and its contents, and free of defects, design characteristics or damage.

DES requested that Saint Gobain ensure all universal waste lamps generated at the facility are placed and stored in containers that meet the requirements of Env-Wm 1102.03(c).

*In the October 5, 2004 submittal, Saint Gobain provided documentation that the fluorescent bulbs were removed. No further action is required.*

8. Env-Wm 1102.03 and Env-Wm 1112.04 - Universal Waste Management

At the time of the inspection, the twenty (23) universal waste lamps, one (1) box of universal waste lamps, and the five (5) universal lamps taped to the top of this box all stored in the Outdoor Shed were not marked with the words "Universal Waste – Lamps", "Waste Lamp(s)", or "Used Lamp(s)."

Env-Wm 1102.03, which references Env-Wm 1112.04, requires universal waste handlers to ensure all container(s) holding universal waste lamps to be clearly labeled or marked with any of the following: "Universal Waste – Lamps", "Waste Lamp(s)", or "Used Lamp(s)."

DES requested that Saint Gobain clearly label or mark universal waste lamps and container(s) holding universal waste lamps with any of the following: "Universal Waste – Lamps", "Waste Lamp(s)", or "Used Lamp(s)."

*In the October 5, 2004 submittal, Saint Gobain provided documentation that the fluorescent bulbs were removed. No further action is required.*



9. Env-Wm 1102.03 and Env-Wm 1113.04 - Universal Waste Management

At the time of the inspection, one (1) cubic yard container of waste CRTs located in the Main Storage Area was not marked with the words "Universal Waste – Cathode Ray Tubes", "Waste Cathode Ray Tube(s)", or "Used Cathode Ray Tube(s)".

Env-Wm 1102.03 which references Env-Wm 1113.04 requires universal waste handlers to ensure all container(s) holding universal waste CRTS to be clearly labeled or marked with any of the following: "Universal Waste – Cathode Ray Tubes", "Waste Cathode Ray Tube(s)", or "Used Cathode Ray Tube(s)".

DES requested that Saint Gobain clearly label or mark container(s) holding universal waste CRTs with any of the following: "Universal Waste – Cathode Ray Tubes", "Waste Cathode Ray Tube(s)", or "Used Cathode Ray Tube(s)".

*In the October 5, 2004 submittal, Saint Gobain provided documentation that the waste CRTs were removed. No further action is required.*

DES believes the deficiencies identified during the inspection have been corrected and acknowledges receipt of the submittals describing the corrective measures taken by Saint Gobain to achieve compliance. Accordingly, no further action in response to the listed deficiencies is required. However, DES personnel may reinspect your facility at a later date to determine whether the facility is maintaining full compliance with the applicable rules. Fines may also be pursued for any or all violations observed during this or subsequent inspections of the facility.

Enclosed you will find a copy of the completed Hazardous Waste Generator RCRA Inspection Checklist which documents the compliance status of your facility at the time of the inspection. This checklist may also be of value to you for use in determining future compliance with the New Hampshire Hazardous Waste Rules.

The State of New Hampshire Hazardous Waste Rules, as well as much other useful information, can be obtained from DES's website at <http://www.des.state.nh.us/hwcs/>, or by contacting the Public Information Center at (603) 271-2975.

It is the goal of DES to promote the prevention of pollution at the source as the preferred option for meeting established environmental quality goals. We strive to ensure that pollution prevention options are considered first, followed by recycling, treatment and disposal. I am requesting that the DES's Pollution Prevention Coordinator, Stephanie D'Agostino, contact you to discuss possibilities for waste minimization or source reduction at your facility. In the meantime, if you have immediate questions about pollution prevention, please feel free to contact her at 271-6398.

As a service to New Hampshire's hazardous waste generators, we maintain a Hazardous Waste Assistance Hotline which is available for you to contact our knowledgeable staff of hazardous

waste inspectors. Our hazardous waste staff is available to answer your questions concerning the New Hampshire Hazardous Waste Rules and the compliance issues which affect your hazardous waste management program. The technical assistance available through the Hotline includes fact sheets that pertain to the management and recycling of specific wastes, summary sheets of specific sections of the Hazardous Waste Rules, copies of EPA and New Hampshire hazardous waste policy or regulatory interpretation letters that may benefit your operation, and networks with other state or federal agencies to answer your questions on a national level. The Hotline is available Monday through Friday, 8:00 AM to 4:00 PM toll free at (1-866) HAZ-WAST (in-state only) or (603) 271-2942.

If you believe that the deficiencies documented in this NOPV have been cited in error, or if you have any questions regarding this letter, please contact the lead inspector, Tod Leedberg, RCRA Compliance Supervisor, or me at 271-2942. Thank you for your cooperation.

Sincerely,



John J. Duclos, Administrator  
Hazardous Waste Compliance Bureau  
Waste Management Division

cc: DB/RCRA/LOD/Archives  
Anthony P. Giunta, P.G., Director, WMD  
Gretchen Hamel, Administrator, DES Legal Unit  
Daryle Hillsgrove, Saint Gobain, Safety Engineer

E-mail: JJD/SD

Enclosure: Hazardous Waste Generator Inspection Report